

REMARKS

An Amendment After Final was filed April 15, 2010 and was not entered because it proposes amendments to the claims that do not comply with 37 CFR 1.173(b). The claims have been reviewed and this Amendment After Advisory Action Before Filing of an Appeal Brief amends claim 6, line 1 and the last line; claim 9, line 4; claim 13, line 15; claim 14, line 2 and claim 19, line 4, to present amended claims of a reissued patent that comply with 37 CFR 1.173(b).

The Advisory Action continues by alleging that the Declaration filed April 15, 2010 is defective because it fails to comply with 37 CFR 1.163(b)(3), does not identify all the amendments and the error statement does not identify at least one patent claim by number. Filed even date is a Reissue Application Declaration By The Inventor that complies with 37 CFR 1.173(b).

Applicant thanks Examiner Robert J. Canfield for the courtesies extended to the undersigned during the telephone interview of March 26, 2010 at which time the rejection of the claims under 35 U.S.C. 112, second paragraph and the status of claims 13-20 were discussed. Regarding the rejection of claims 6 and 13 under 35 U.S.C. 112, second paragraph, the Examiner indicated that an indefinite or definite article before the word "open" was required. Regarding claims 13-20, the undersigned noted that the claims were not rejected as being anticipated by, or unpatentable over, the prior art. The Examiner stated that It would be necessary to study claims 13-20, and if a prior art rejection is warranted, another Office Action would be sent.

The Examiner advised the undersigned that a Supplemental Oath should be filed if an amendment is made to the claims.

Claims 1, 2, 4-6, 8-46, 48-53 and 55 are pending in the application. Claims 35-46, 48-53 and 55 are allowed; claims 26, 27, 33 and 34 are objected to as depending upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; claims 1, 2, 4-6, 8-25 and 28-32 are rejected, and claims 6 and 9-12 would be allowable if rewritten to overcome the objections under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

In response to the Office Action, this Amendment cancels claims 1, 2, 4, 5, 8, 21-25 and 28-32 without prejudice to eliminate issues and amends claims 6, 9, 12, 13, 16-20, 26 and 33 to more positively recite applicant's patentably novel inventions.

Claims 26, 27, 33 and 34 are objected to as depending upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully traverses the objection to claims 26, 27, 33 and 34, however to eliminate this issue, the following action is taken. Claim 26 depends from base claim 21 through claims 24 and 25; claim 27 depends from claim 26. Claim 26 is amended to include all the limitations of claims 21, 24 and 25. Claim 33 depends from base claim 32 and claim 34 depends from claim 33. Claim 33 is amended to include all of the limitations of base claim 32.

Support for the amendments to claims 26 and 33 is found, among other places, in the pending claims. Based on the forgoing, applicant respectfully requests admission of the amendments to, consideration of, withdrawal of the objection to, and allowance of, claims 26, 27, 33 and 34.

Claims 6 and 9-20 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicant respectfully traverses the rejection of claims 6 and 9-20 under 35 U.S.C. 112 second paragraph, however, to eliminate this issue, the following action is taken. Claims 6 and 9-12 are dependent on cancelled claim 1; claim 1 is rejected under 35 U.S.C. 112, second paragraph; the Office Action alleges that the language "with open end of the U formed" is unclear, and appears it should recite - -with the open end of the U - -. Claims 6, 9 and 12 are each amended to include, among other things, the limitations of claim 1 and to recite - - with an open end of the U - - because the "open end" is introduced for the first time.

Claim 13 is rejected for the same issues as claim 1. Claim 13 is amended to recite, among other things, - - an open end of the U-shaped cross section - -.

Claim 6 is rejected because the recitation of "spaced from inner surface" on line 3 of claim 6 is unclear, and it appears it should recite - - spaced from the inner surface of the base - -. Claim 6 is amended to, among other things, include the language suggested by the Office Action.

The Office Action alleges that the preambles of claims 16-20 fail to agree with the preamble of claim 13 from which they depend. The preamble of claims 16-20 are amended to agree with the preamble of claim 13.

Support for the amendments to claims 6, 9, 13 and 16-20 is found, among other places, in the pending claims. Based on the forgoing, applicant respectfully requests admission of the amendments to claims 6, 9, 13 and 16-20, consideration of claims 6 and 9-20; withdrawal of the rejection of claims 6 and 9-20 under 35 U.S.C. 112, second paragraph, and allowance of claims 13-20.

The Office Action states that claims 6 and 9-12 would be allowable if rewritten to overcome the objections under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Claim 6 depends from claim 1 through claims 2 and 4; claims 9 and 12 each depend directly from claim 1, and claims 10 and 11 depend from claim 9. Claims 6, 9 and 12 are amended to include the limitations of claim 1 and to overcome the rejections under 35 U.S.C. 112, second paragraph and claim 6 is further amended to include the limitations of claims 3 and 4. Support for the amendments to claims 6, 9 and 12 is found among other places, in the pending claims.

Based on the foregoing, applicant respectfully requests admission of the amendments to claims 6, 9 and 12; consideration of claims 6 and 9-12, and allowance of claims 6 and 9-12.

This Amendment represents a sincere effort to place this application in condition for allowance. In the event issues remain, the Examiner is invited to call Mr. Andrew Siminerio at 412-434-4645, or the undersigned to discuss those issues before further action on the case is taken.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Donald C. Lepiane", written over a horizontal line.

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